

Date signed March 22, 2006



A handwritten signature in cursive script, reading "Paul Mannes".

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In Re:

Jean Claude Fotso and
Berthe Fotso

Debtors

Carol Blair, et al.

Plaintiffs

vs.

Jean Claude Fotso and
Berthe Fotso

Defendant

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Case No. 05-29843

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Chapter 7

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Adversary No. 05-09069

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MEMORANDUM OF DECISION

Before this court is the Defendants' Motion to Disqualify Walter T. Evans as Attorney for Plaintiffs. The Defendants assert that Mr. Evans should be disqualified from continuing to represent Plaintiffs in this adversary proceeding on account of his prior representation of the Defendants. According to the Defendants, Mr. Evans has represented them with respect to several different matters since the 1990s, including a banking dispute and an automobile accident. Defendants maintain that, during the course of such representation, they disclosed confidential and financial information to Mr. Evans. Defendants assert that Mr. Evans' representation of Plaintiffs in

the instant matter violates Rule 3.7(a) and Rule 1.7(a) of the Maryland Rules of Professional Conduct.

The court notes that Defendants sought to disqualify Mr. Evans from representing Plaintiffs during the course of a civil proceeding in the Circuit Court for Montgomery County. Defendants filed a complaint with the Attorney Grievance Commission of Maryland and then, upon the Commission's failure to find a violation of the Maryland Rules of Professional Conduct by Mr. Evans, filed a motion to disqualify Mr. Evans as Plaintiff's counsel in the Circuit Court proceeding. In denying the motion to disqualify, the Circuit Court concluded that the motion was without merit, characterizing it as "an effort to harass, block or hinder the plaintiffs' case."

Upon careful review of the record, and of the decisions rendered by the Attorney Grievance Commission and the Circuit Court for Montgomery County in particular, the court will deny Defendants' motion to disqualify. An appropriate order will be entered.

cc: All Parties
All Counsel

End of Memorandum of Decision